**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**&**

**THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY**

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**WRIT PETITION NO :22653 of 1998**

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**Dated: 19.09.2005**

Between:

P. Ramanadham, W/o T. Veerabhadrudu

.. **Petitioner**

And

1. The State of A.P., rep., by its Secretary,

to Government, Home (Police-E)

Department, Secretariat Buildings,

Saifabad, Hyderabad and two others.

.. **Respondents**

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**&**

**THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY**

**WRIT PETITION NO :22653 of 1998**

**ORDER:** (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 10.3.1998 in O.A.Nos 52897 of 1990 to 899 of 1990 on the file of the A.P. Administrative Tribunal, Hyderabad, and consequently, to direct the Government to promote him as Deputy Superintendent of Police on par with his juniors.

The petitioner is the applicant before the Tribunal.

The brief facts that led to filing of the O.As are:

On account of adverse remarks in his confidential reports, the petitioner was not considered for promotion to the post of Deputy Superintendent of Police. But in respect of others, their cases were considered for promotion by expunging their adverse remarks. The representation made by the petitioner to expunge his adverse remarks was not considered by the authorities. Challenging the said action of the respondents, the present O.A. is preferred. But, during the pendency of the said O.A., since the petitioner has retired from service, the Tribunal having observed that in view of the retirement, no further orders are necessary, disposed of the O.A.

Heard the learned counsel.

The learned Counsel for the petitioner contends that the petitioner is the holder of Presidential Award and therefore, the adverse entries in the confidential report cannot be taken into consideration, in case of his promotion. He further contended that the Tribunal taking the fact that the petitioner has retired from service, simply disposed of the O.A. without going into the merits of the case and hence, the order of the Tribunal is liable to be set aside. He further submitted that irrespective of the fact though he was retired from service, if the O.A. is disposed of on its own merits and in case his seniority is fixed by the Tribunal as sought for in the O.A., he would automatically be entitled to the pensionary benefits.

On the other hand, the learned Government Pleader for Home contended that the petitioner is not entitled to the promotion as sought for as there were adverse

entries in his confidential report and the said remarks cannot be expunged as they were serious in nature.

Admittedly, the petitioner has retired from service. The grievance of the petitioner is that his case was not considered on merits and simply, basing on his retirement, the Tribunal disposed of the O.A.

On a perusal of the G.O. impugned in the O.A., it is apparent that a combined seniority list of Inspectors has been prepared for purpose of review from the Category of Inspectors to Deputy Superintendent of Police. Under the above G.O., the State Government also invited objections, if any.

It is the contention of the petitioner that the copy of the seniority list has not been furnished and hence, he could not file the objections and the representation made by him as to his promotion, dated 28.12.1989 has not been considered.

There is no dispute that there were certain adverse remarks against the petitioner. But, according to him, the respondents have considered the cases of others against whom adverse entries are made. At this stage, it is the contention of the learned G.P. for Home that the adverse entries made against the petitioner are serious in nature. If that being the case, the question of considering the promotion, which depends on several factors, viz., seniority, merit, confidential reports, if any, is a matter to be decided by exercising the discretion of the concerned authorities since the same comes under the purview of administrative matters, which are within the ambit of the authorities and as such, the same cannot be questioned before this Court, unless there are malafides or arbitrariness attributed against the concerned authority,

In this view of the matter, we feel that since the petitioner retired from service, nothing survives to be considered in the O.A. as rightly observed by the tribunal. Hence, we see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 19.09.2005

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